

REMARKS**Restriction under 35 U.S.C. §121**

The Applicant hereby affirms the election of claims 2-7, 16-18, and 20-23 (Group I), drawn to a method of cell reselection based on cell routing area, and withdrawal from consideration of claims 8 - 14 (group II) and 26 - 35 (group III). Claims 8 - 14 and 26-35 have been cancelled without prejudice to allow the remaining claims to be in a form to be examined.

Rejection of Claims 2, 5, 6, 16, 20, and 21 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,546,251 (Dalsgaard) in view of US 6,169,894 (McCormick)

Applicant respectfully traverses the rejection of claims 2, 5, 6, 16, 20, and 21.

Applicant respectfully submits that the combination of Dalsgaard and McCormick does not teach or suggest all the claim limitations as set forth in the independent claims 2, 16, and 20. For example, independent claims 2 and 16 recite "executing a reselection decision includes maintaining connection to said serving cell...." and claim 20 recites "configurable to...avoid cell reselection", which are not taught or suggested in the combination of Dalsgaard and McCormick.

The Office Action on page 4, item 5 states "Dalsgaard fails to disclose executing a reselection decision includes maintaining connection to said serving cell if said neighbor cell routing area is different from said serving cell routing area." Applicant agrees with the Office Action. However, the Office Action appears to rely on McCormick for such. The Office Action specifically refers to col. 8, lines 41 – 46 of McCormick as describing or being analogous to "...reselection decision includes maintaining connection to said serving cell..." This analogy is, however, a mischaracterization of McCormick.

Dalsgaard is directed to a method of cell selection by a mobile device in a cellular radio system where the mobile station is connected to a special service such as GPRS (General Packet Radio Service) offered by the current cell. Dalsgaard Abstract.

McCormick is directed towards a method of providing varying information to broadcast from region to region and specific handoff procedures as mobile station changes regions. McCormick Abstract. McCormick on Col. 8, lines 30-32 and lines 41-46 discloses that in a bi-directional communication session of the prior art, a network connection is maintained between the mobile channel and the other party to the call (which may be a PSTN or another mobile). As

described by McCormick, the first serving cell site continues to maintain the PSTN connection during handoffs.

As known to a person with an ordinary skill in the art, in a bi-directional communication session, a mobile device establishes a call with another party say a PSTN via a serving base station. During handoffs, the serving base station maintains connection to the PSTN but the calling mobile device changes its serving cell from one base station to the other. Therefore, McCormick discloses the connection between the serving cell site and the PSTN, and not between the serving cell site and the mobile device. In contrast, Applicant's claim 2 recites "a method of cell reselection by a mobile device...maintaining connection to said serving cell..." which implies that the connection being referred is the connection between the mobile device and the serving cell.

Therefore, the combination of Dalsgaard and McCormick do not teach or suggest the claim limitation of "a method of cell reselection by a mobile device communicating with a serving cell...reselection decision includes maintaining connection to said serving cell...", as recited in the independent claims 2 and 16, so the Applicant respectfully requests withdrawal of the rejection of claims 2 and 16 under 35 U.S.C 103.

Regarding independent claim 20, Applicant respectfully submits that the above discussed argument applies equally to claim 20. The claim 20 recites the limitation of "configurable to...avoid cell reselection" which is equivalent to maintaining connection to the current serving cell. The combination of Dalsgaard and McCormick does not disclose "maintaining connection to said serving cell" as argued above for the independent claim 2 and 16. Therefore, the combination of Dalsgaard and McCormick does not disclose "configurable to...avoid cell reselection" as recited by the independent claim 20.

Further, the Office Action in item 5, page 5 appears to equate Applicant's "determining whether said radio link budget criteria is acceptable for said serving cell" as recited by independent claim 16 with Dalsgaard's selecting a group of cells based on the current service level of these cells. The Office Action specifically refers to FIG. 7, block 71 of Dalsgaard as describing or being analogous to "determining whether said radio link budget criteria is acceptable for said serving cell" This analogy is, however, a mischaracterization of Dalsgaard.

Dalsgaard in FIG. 7 and the associated description on Col. 6, lines 26-65 discloses that the mobile station receives various PSI messages from the current base station. The PSI messages contain information about the neighboring cells supporting the current services, such as GPRS. The mobile station, based on the PSI messages, selects a group of cells that support the current service. Therefore, Dalsgaard discloses determining current service level of the neighboring cells, and not of the current serving cell as interpreted by the Office Action. In contrast, Applicant's claim 16 requires determining radio link budget criteria for the current serving cell.

Moreover, Applicant's radio link budget criteria cannot be compared to Dalsgaard's current service level of the neighboring cells. Dalsgaard's current service as described in Col. 6, lines 26-65 is some special service such as GPRS (General Packet Radio Service) offered by neighboring cells. In contrast, Applicant's radio link budget criteria includes calculating radio path loss criteria C1 for the current serving cell (see page 11, lines 14-21 of the Applicant's specification, as filed).

Therefore, the combination of Dalsgaard and McCormick do not teach or suggest the claim limitation of "...determining whether said radio link budget criteria is acceptable for said serving cell...." as recited in the independent claim 16, so the Applicant respectfully requests withdrawal of the rejection of claim 16 under 35 U.S.C 103.

For the above reasons, Applicant submits that claims 2, 16, and 20 are not obvious in view of the combination of Dalsgaard and McCormick and therefore that the rejection of claims 2, 16, and 20 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 2, 16, and 20 now be passed to allowance.

Dependent claims 5, 6, 21, 22, and 23 depend from, and include all the limitations of independent claims 2 and 20. Therefore, Applicant respectfully requests the reconsideration of dependent claims 5, 6, 21, 22, and 23 and requests withdrawal of the rejection.

Rejection of Claims 3, 4, 17, and 18 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,546,251 (Dalsgaard) in view of US 6,169,894 (McCormick), and further in view of 7,058,042 (Bontempi)

Applicant respectfully traverses the rejection of claims 3, 4, 17, and 18.

Bontempi is directed towards a packet mode communication service layer that is provided on top of a standard mainstream cellular radio network. Bontempi Abstract. Bontempi, however, individually or in combination with Dalsgaard and McCormick, does not teach or suggest the claim limitation of “a method of cell reselection by a mobile device communicating with a serving cell...reselection decision includes maintaining connection to said serving cell....”, as recited in the independent claims 2 and 16.

Moreover, dependent claims 3, 4, 17, and 18 depend from, and include all the limitations of independent claims 2 and 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 3, 4, 17, and 18 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Respectfully submitted,

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